

United States Bankruptcy Court

Southern District of New York

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Matterhorn Nursery, Inc.	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) 13-3070638	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): 227 Summit Park Road Spring Valley, NY <div style="text-align: right; margin-top: 5px;">ZIP Code 10977-1219</div>	Street Address of Joint Debtor (No. and Street, City, and State): <div style="text-align: right; margin-top: 5px;">ZIP Code</div>
County of Residence or of the Principal Place of Business: Rockland	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): <div style="text-align: right; margin-top: 5px;">ZIP Code</div>	Mailing Address of Joint Debtor (if different from street address): <div style="text-align: right; margin-top: 5px;">ZIP Code</div>
Location of Principal Assets of Business Debtor (if different from street address above):	

Type of Debtor (Form of Organization) (Check one box)	Nature of Business (Check one box)	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)
<input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	<input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other	<input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding
Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).		Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.

Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (<i>amount subject to adjustment on 4/01/13 and every three years thereafter</i>). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.	THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <div style="display: flex; justify-content: space-between; font-size: small;"> <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000 </div>	
Estimated Assets <div style="display: flex; justify-content: space-between; font-size: small;"> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion </div>	
Estimated Liabilities <div style="display: flex; justify-content: space-between; font-size: small;"> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion </div>	

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Matterhorn Nursery, Inc.**All Prior Bankruptcy Cases Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location

Where Filed: **- None -**

Case Number:

Date Filed:

Location

Where Filed:

Case Number:

Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:

- None -

Case Number:

Date Filed:

District:

Relationship:

Judge:

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).

X

Signature of Attorney for Debtor(s)

(Date)

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☒ No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

- ☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord that obtained judgment)

(Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.
- ☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Matterhorn Nursery, Inc.**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Address

X _____
Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Signature of Attorney*

X /s/ Dana P. Brescia
Signature of Attorney for Debtor(s)

Dana P. Brescia 0501

Printed Name of Attorney for Debtor(s)

Alter, Goldman & Brescia, LLP

Firm Name

550 Mamaroneck Avenue

Suite 510

Harrison, NY 10528

Address

Email: info@altergoldlaw.com

(914) 670-0030 Fax: (914) 670-0031

Telephone Number

September 7, 2010

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Matt Horn
Signature of Authorized Individual

Matt Horn

Printed Name of Authorized Individual

President

Title of Authorized Individual

September 7, 2010

Date

**United States Bankruptcy Court
Southern District of New York**

In re **Matterhorn Nursery, Inc.**

Debtor(s)

Case No.

Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the President of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **September 7, 2010**

/s/ Matt Horn

Matt Horn/President

Signer/Title

ACCESS RECEIVALBES MANAGEMENT
PO BOX 9801
BALTIMORE, MD 21284

ACTIVANT SOLUTIONS
804 LAS CIMAS PARKWAY
AUSTIN, TX 78746

ARETT SALES
1152 MARLKRESS ROAD
CHERRY HILL, NJ 08034

ARTISAN TRELLIS
2021 OLD BASS LAKE ROAD
EL DORADO HILLS, CA 95762

BALL HORTICULTURE COMPANY
622 TOWN ROAD
WEST CHICAGO, IL 60185

BONNIE PLANTS
1727 HIGHWAY 223
UNION SPRINGS, AL 36089

BROTZMAN
6899 CHAPEL ROAD
MADISON, OH 44057

CNH CAPITAL AMERICA LLC
PO BOX 7247-0170
PHILADELPHIA, PA 19170

CNH CAPITAL AMERICA LLC
100 BRUBAKER AVENUE
NEW HOLLAND, PA 17557

COMPENDIUM
600 NORTH 36TH STREET
SUITE 400
SEATTLE, WA 98103

DANIEL N. KRAUSHAAR, ESQ.
300 AIRPORT EXECUTIVE PARK
SUITE 307
NANUET, NY 10954

DOWN 2 EARTH FARMS
166 BRAINARDS ROAD
PHILLIPSBURG, NJ 08865

FARM CREDIT LEASING
600 HIGHWAY 169 SOUTH
SUITE 300
MINNEAPOLIS, MN 55426

FARM CREDIT LEASING
5500 WAYZATA BLVD
MINNEAPOLIS, MN 55416

FORD CREDIT CORP
BOX 220564
PITTSBURGH, PA 15257

FRED GLOECKNER & COMPANY INC.
600 MAMARONECK AVENUE
HARRISON, NY 10528

GREENBURG, GRANT & RICHARDS
5858 WESTHEIMER
SUITE 500
HOUSTON, TX 77057

GRIFFIN GREENHOUSE & NURSERY S
PO BOX 36
TEWKSBURY, MA 01876

HARLEYSVILLE INSURANCE
PO BOX 198
HARLEYSVILLE, PA 19438

HARRY AND JUDY BALDINGER
7 ANJOU LANE
MONSEY, NY 10952

HOLMES FARM
117 CRONRATH ROAD
BARTO, PA 19504

HSP GARDEN BUILDINGS LTD.
30A HEMPSTEAD AVENUE
MIDENHALL, SUFFOLK
ENGLAND 1P287AS

ID BOOTH
620 WILLIAM STREET
ELMIRA, NY 14902

INTERNAL REVENUE SERVICE
P.O. BOX 21126
PHILADELPHIA, PA 19114

ISLEI NURSERY INC.
36518 TREASURY CENTER
CHICAGO, IL 60694-6500

JOSEPH, MAN & CEED
20600 CHAGRIN BLVD
SUITE 550
BEACHWOOD, OH 44122

KAMLAR CORP.
444 KAMLAR DRIVE
ROCKY MOUNT, NC 27804

KUBOTA CREDIT CORP.
PO BOX 2429
SUWANEE, GA 30024

LINDA ZEBROWSKI
20 FAY ROAD
NEW CITY, NY 10956

LONSOME COTTAGE FURNITURE CO.
30671 STATE HIGHWAY 371
PEQUOT LAKES, MN 56472

LUCUS GREENHOUSE
214 WHIG LANE ROAD
MONROEVILLE, NJ 08343

MAINE BUCKET COMPANY & BENCH S
PO BOX 1908
LEWISTON, ME 04241

MATT & VERONICA HORN
227 SUMMIT PARK ROAD
SPRING VALLEY, NY 10977

MJ FITZGERALD NURSERY INC
3890 SIMPSON CREEK RD
MORGANTON, NC 28655

MOERING USA, LLC
19315 B CARRICO MILLS ROAD
STEVENSBURG, VA 22741

MONRORIA GROWERS
PO BOX 406964
ATLANTA, GA 30384

MONTALBANO, CONDON & FRANK, P.
CHARLOTTE G. SWIFT, ESQ.
67 NORTH MAIN STREET
NEW CITY, NY 10956

NYC DEPT. OF FINANCE
345 ADAMS STREET, 3RD FLOOR
LEGAL AFFAIRS - DEVORA COHN
BROOKLYN, NY 11201

NYS DEPT. OF TAXATION & FINANC
BANKRUPTCY/SPECIAL PROCEDURES
P.O. BOX 5300
ALBANY, NY 12205-0300

NYS UNEMPLOYMENT INSURANCE FUN
P.O. BOX 551
ALBANY, NY 12201

NYSEG
PO BOX 5234
BINGHAMTON, NY 13902

OEHMSE MIDWEST, INC
PO BOX 585
GEORGE, IA 51237

ORANGE & ROCKLAND UTILITIES
P.O. BOX 1008
SPRING VALLEY, NY 10977

PARKING VIOLATIONS BUREAU
210 JORALEMON AVENUE
BROOKLYN, NY 11201

PAVENTIA PAVERS
220 BLVD. RENE-A ROBERT
STE-THERESE
QUEBEC, J7E4L2

PEACE TREE FARMS
295 PARK DRIVE WEST
KINTNERSVILLE, PA 18930

PLANT GROUP
117 POND ROAD
ROUTE 207
NORTH FRANKLIN, CT 06254

SECURITY & EXCHANGE COMM
NE REGIONAL - WOOLWORTH BLDG.
233 BROADWAY-JOHN MURRAY
NEW YORK, NY 10279

SNYDER MANUFACTURING
255 ROCHESTER STREET
UNIT 1
SALAMANCA, NY 14779

SOUTHERN FOLIAGE
14130 SMITH SUNDY ROAD
DELRAY BEACH, FL 33446

SUPERMEDIA
PO BOX 610830
DALLAS, TX 75261

THE PERENNIAL FARMS
12017 GLEN ARM ROAD
GLEN ARM, MD 21057

TIMBERLAND MULCH & FARMS
PO BOX 172
WILLIS, VA 24380

U.S. SMALL BUSINESS ADMINISTRA
801 TOM MARTIN DRIVE
STE. 120
BIRMINGHAM, AL 35211

U.S. SMALL BUSINESS ADMINISTRT
200 W. SANTA ANA BLVD. STE.180
SANTA ANA, CA 92701

UNITED STATES ATTORNEY
ONE ST. ANDREW'S PLAZA
CLAIMS UNIT - ROOM 417
NEW YORK, NY 10007

UNITED STATES TRUSTEE OFFICE
REGION 2
33 WHITEHALL ST., 21ST FLOOR
NEW YORK, NY 10004

WESTON NURSERY
30 PHIPPS STREET
PO BOX 186
HOPKINTON, MA 01748

**United States Bankruptcy Court
Southern District of New York**

In re **Matterhorn Nursery, Inc.**

Debtor(s)

Case No.
Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Matterhorn Nursery, Inc.** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

September 7, 2010
Date

/s/ Dana P. Brescia
Dana P. Brescia 0501
Signature of Attorney or Litigant
Counsel for **Matterhorn Nursery, Inc.**
Alter, Goldman & Brescia, LLP
550 Mamaroneck Avenue
Suite 510
Harrison, NY 10528
(914) 670-0030 Fax:(914) 670-0031
info@altergoldlaw.com